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THE SITUATION IN BOSNIA AND HERZEGOVINA

SECURITY COUNCIL
Fifty-fourth year

Letter dated 11 March 1999 from the Chargé d'affaires a.i. of the Permanent Mission of Yugoslavia to the United Nations addressed to the Secretary-General

I have the honour to forward, enclosed herewith, the letter of Zivadin Jovanovic, Federal Minister for Foreign Affairs of the Federal Republic of Yugoslavia, relative to the decision of the President of the Arbitral Tribunal, Roberts Owen, declaring Brčko a district under the sovereignty of Bosnia and Herzegovina and the decision of Carlos Westendorp, High Representative for Bosnia and Herzegovina, to dismiss the President of Republika Srpska, Nikola Poplašen (see annex).

I would be very grateful if you would have the present letter and its annex published as a document of the fifty-third session of the General Assembly, under agenda item 41, and of the Security Council.

(Signed) Vladislav JOVANOVIC
Chargé d'affaires a.i.

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Annex

Letter dated 11 March 1999 from the Minister for Foreign Affairs of Yugoslavia addressed to the Secretary-General

I should like to convey to you, on behalf of the Federal Republic of Yugoslavia, our profound disagreement with the decision of the President of the Arbitral Tribunal, Roberts Owen, to declare Brčko a district under the sovereignty of Bosnia and Herzegovina, as well as with your statement of 5 March 1999 in which you supported this decision, even though it is contrary to the Dayton/Paris Agreement.

The decision of Mr. Owen represents a gross violation of the Dayton/Paris Accords. We recall that article V, annex 2, to the Dayton/Paris Agreement envisages that "the parties are agreed to accept the obligatory arbitration on the disputed part of the inter-entity boundary line in the area of Brčko". It is clear, therefore, that the subject of arbitration is not and cannot be the status of the district of Brčko. The decision by Mr. Owen represents the establishment of a third entity in Bosnia and Herzegovina, which is contrary to the Constitution of Bosnia and Herzegovina, which provides for the existence of only two entities - Republika Srpska and the Federation of Bosnia and Herzegovina. The decision of Mr. Owen violates the principle of contiguity of the territory of Republika Srpska, undermining its vital interest built into the foundations of the Dayton/Paris Agreement. Furthermore, that decision also changes the 51 to 49 ratio of the territory, in flagrant violation of the Dayton/Paris Agreement. Finally, this decision was made by Mr. Owen alone, without the consent of other members of the Arbitral Commission, in contravention of the rules of procedure and contrary to the mandate entrusted to him.

The decision of Mr. Westendorp to dismiss Republika Srpska President Poplašen also represents the most flagrant violation of the Dayton/Paris Agreement thus far. This decision is also in violation of the Constitutions of Republika Srpska and of Bosnia and Herzegovina, and it was an attempt to annul the will of the people expressed at the free and fair elections. The President of Republika Srpska, in accordance with the Constitution, may be removed from office only by the people who have elected him. That is why the Government of the Federal Republic of Yugoslavia considers that the above-mentioned decision by Mr. Westendorp cannot have any legal effect and must be considered null and void.

These decisions seriously devalue and threaten the stabilization of the peace process as well as the results and progress achieved in the establishment of Bosnia and Herzegovina as a common State of two equal entities and three constituent peoples, to which the Federal Republic of Yugoslavia has continuously been making a significant contribution. This obliges all participants of this process to work, with full responsibility, for the consistent implementation of the Dayton/Paris Agreement and strongly to oppose any attempts to usurp the powers of the constitutional bodies of Bosnia and Herzegovina and of the two entities, i.e., attempts at revising the Agreement.

In view of the above, the federal Government of the Federal Republic of Yugoslavia, as the signatory and the guarantor of the Dayton/Paris Agreement, calls upon members of the Steering Board to convene an emergency session of the Peace Implementation Council to consider the above-mentioned decisions and to take concrete measures to reverse them urgently and to re-establish the situation, the relationship and the decision-making process, in accordance with strict compliance with the Dayton/Paris Agreement, the Constitution of Bosnia and Herzegovina and the Constitution of Republika Srpska.

We expect that you will endorse this proposal of the Federal Republic of Yugoslavia.

I would be grateful if you would inform all the members of the Security Council of the contents of the present letter.

(Signed) Zivadin JOVANOVIC